

Gp 1616

PATENT

Customer Number: 22,852

Application Number: 09/733,900

Attorney Docket Number: 05725.0595-00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carlos PINZON et al.

Application No.: 09/733,900

Filed: December 12, 2000

For: COSMETIC COMPOSITIONS  
CONTAINING HETERO POLYMERS AND  
OIL-SOLUBLE CATIONIC SURFACTANTS  
AND METHODS OF USING SAME

Group Art Unit: 1616

Examiner: Robert M. DeWitty

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Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**REQUEST FOR CORRECTED PATENT APPLICATION PUBLICATION**  
**UNDER 37 C.F.R. § 1.221(b)**

On September 5, 2002, the Office published the above-identified application No. 09/733,900 as Publication No. US-2002/0122781-A1. The published application contains mistakes that are the fault of the Office and which may be material. Attached hereto is a copy of each relevant page of the originally filed application and a marked-up copy of the corresponding page of the published application identifying the mistakes and corrections.

A mistake is material when it affects the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See C.F.R.

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§ 1.221(b). Each of the mistakes listed below may affect the public's ability to appreciate the technical disclosure of the patent application publication or to determine the scope of provisional rights, for the reasons identified.

The mistakes, which are indicated in red ink on the relevant pages of the marked-up copy of the published application attached hereto, are as follows:

1. The first page of the published application fails to recite the assignee, L'Oréal S.A., Paris (FR). The assignment was duly recorded in this application on March 23, 2001, at Reel 011639, Frame 0897. This mistake may be material as it may affect the public's ability to determine the scope of the provisional rights that may be sought to be enforced upon issuance of a patent. For at least this reason, this mistake should be corrected.

2. In paragraph 0042, line 2, the published application recites "from I to 5." However, the original application recites "1 to 5." The error is that the published application recites the letter "I" rather than the number "1." This mistake, therefore, may result in the disclosure of an erroneous number of repeating units in the polyamide polymers of formula (I). This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

3. On page 8, paragraph 0100, third line, the published application recites " $-(CH_2)_{12}-$ ." The originally filed application recites " $-(CH_2)_{12}-$ ; and" The error is that "; and" is missing. Thus, this mistake may result in the disclosure of an erroneous

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number of components comprised within the composition described in paragraphs 0096 through 0101. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

4. On page 11, paragraph 0149, twelfth line, the published application recites "0. 1%." The originally filed application recites "0.1%." The error is that there should be no space between the decimal point and the number "1." Thus, this mistake may result in the disclosure of an erroneous amount of the at least one oil-soluble polymer. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

5. On page 11, paragraph 0153, sixth line, the published application recites "octyidodecyl." The originally filed application recites "octyldodecyl." The error is that the letter "i" should be the letter "l." Thus, this mistake may result in the disclosure of an erroneous compound. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

6. On page 11, paragraph 0161, ninth line, the published application recites "fifty acids." The originally filed application recites "fatty acids." The error is that the second "f" in "fifty" should be the letter "t." Thus, this mistake may result in the disclosure of an erroneous class of active agents. This mistake may be material as it

may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

7. On page 13, paragraph 0176, third line, the published application recites "110-11 5°C." The originally filed application recites "110-115°C." The error is that there should be no space between the numbers "1" and "5" in the temperature "115°C." Thus, this mistake may result in the disclosure of an erroneous temperature range. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

8. On page 15, claim 52, eleventh line, the published application recites " $R_5+R_6>10$ ." The originally filed application recites " $R_5+R_6\geq 10$ ." The error is that ">" should read "≥". Thus, this mistake may result in the disclosure of an erroneous equation. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

9. On page 16, claim 80, line 5, the published application recites "1-methyl- - [(palmitoylamide)ethyl]-2-octadecyl-4, 5-dihydroimidazolinium chloride." The originally filed application recites "1-methyl-1-[(palmitoylamide)ethyl]-2-octadecyl-4,5-dihydroimidazolinium chloride." The errors are that "1-methyl- -" should read "1-methyl-1-" and "octadecyl-4, 5-dihydroimidazolinium" should read "octadecyl-4,5-dihydroimidazolinium." Thus, these mistakes may result in the disclosure of an erroneous compound. These mistakes may be material as it may affect the public's

ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, these mistakes should be corrected.

10. On page 19, claim 157, third line in the right column, the published application recites " $R_5+R_6>10$ ." The originally filed application recites " $R_5+R_6\geq 10$ ." The error is that ">" should read " $\geq$ ". Thus, this mistake may result in the disclosure of an erroneous equation. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

11. On page 21, claim 196, second line, the published application recites " $C_{12}$  to  $C_{20}$ ." The originally filed application recites " $C_{12}$  to  $C_{20}$ ." The error is that " $C_{20}$ " should read " $C_{20}$ ". Thus, this mistake may result in the disclosure of an erroneous number of carbon atoms in the fatty alcohols. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

12. On page 23, claim 264, eleventh line, the published application recites " $R_5+R_6>10$ ." The originally filed application recites " $R_5+R_6\geq 10$ ." The error is that ">" should read " $\geq$ ". Thus, this mistake may result in the disclosure of an erroneous equation. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

13. On page 23, claim 270, third line, the published application recites "1 0%." The originally filed application recites "10%." The error is that there should be no space between the numbers "1" and "0" in 10%." Thus, this mistake may result in the disclosure of an erroneous amount of the at least one liquid fatty phase. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

14. On page 24, claim 292, fourth line, the published application recites "1-methyl-1-[(stearoylamide)ethyl]-2-heptadecyl4,5-dihydroimidazolinium chloride." The originally filed application recites "1-methyl-1-[(stearoylamide)ethyl]-2-heptadecyl-4,5-dihydroimidazolinium chloride." The error is that "2-heptadecyl4,5-" should recite "2-heptadecyl-4,5-." Thus, this mistake may result in the disclosure of an erroneous compound. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

For at least the foregoing reasons, Applicants request that the Office correct the mistakes identified above for which the Office is at fault in the published application, and forward to Applicants a copy of the corrected published application or at least a notification of the occurrence or predicted occurrence of the corrected publication once it has been corrected.

Applicants believe that no Petition or fee is due in connection with this Request, as the mistakes identified in the published application are the fault of the Office.

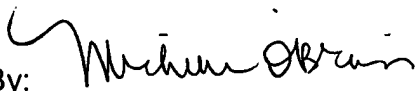
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However, if any Petition or fee is due, please grant the Petition and charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:   
Michelle E. O'Brien  
Reg. No. 46,203

Date: October 29, 2002

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